

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,	)	
	)	
	)	
v.	)	
	)	Docket no. 2:04-cr-93-GZS
LAWRENCE MAHER,	)	
	)	
	)	
Defendant.	)	
	)	

**ORDER ON MOTION TO MODIFY SENTENCE**

Before the Court is a pro se motion by Defendant titled: “Motion Requesting to Modify an Imposed Term of Imprisonment Pursuant to 18 U.S.C. § 3582(c)(1)(B) Predicated Upon Another Modifying Statute (28 U.S.C. § 2255)” (Docket # 73).<sup>1</sup> 18 U.S.C. § 3582(c) does allow a court to modify a defendant’s sentence in specific enumerated circumstances, including when a motion requests modification pursuant to Federal Rule of Civil Procedure 35 or some other statute that “expressly permit[s]” sentence modification. 18 U.S.C. § 3582(c)(1)(B). However, nothing in Defendant’s pro se Motion or the record before the Court provides a basis for modification of the sentence imposed in this case pursuant to 18 U.S.C. § 3582(c)(1)(B). Therefore, the Court hereby DENIES the Motion (Docket # 73), including the request for an evidentiary hearing.

SO ORDERED.

/s/ George Z. Singal  
United States District Judge

Dated this 27th day of July, 2009.

---

<sup>1</sup> To the extent the Motion could be read as a petition under 28 U.S.C. § 2255, it has been docketed and ruled upon in Maher v. United States of America, Docket No. 2:09-cv-321-GZS. Thus, the sole purpose of this Order is determining whether Defendant is entitled to relief pursuant to 18 U.S.C. § 3582(c).